

# NO PLACE TO HIDE

EDWARD SNOWDEN, THE NSA, AND  
THE U. S. SURVEILLANCE STATE

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This book is dedicated to all those  
who have sought to shine a light  
on the US government's secret  
mass surveillance systems,  
particularly the courageous  
whistle-blowers who have risked  
their liberty to do so.



## THE FOURTH ESTATE

One of the principal institutions ostensibly devoted to monitoring and checking abuse of state power is the political media. The theory of a “fourth estate” is to ensure government transparency and provide a check on overreach, of which the secret surveillance of entire populations is surely among the most radical examples. But that check is only effective if journalists act adversarially to those who wield political power. Instead, the US media has frequently abdicated this role, being subservient to the government’s interests, even amplifying, rather than scrutinizing, its messages and carrying out its dirty work.

In this context, I knew that media hostility toward my reporting on Snowden’s disclosures was inevitable. On June 6, the day after the first NSA article ran in the *Guardian*, the *New York Times* introduced the possibility of a criminal investigation. “After writing intensely, even obsessively, for years about government surveillance and prosecution of journalists, Glenn Greenwald has suddenly put himself directly at the intersection of those two issues, and perhaps in the crosshairs of federal prosecutors,” the paper proclaimed in a profile of me. My NSA reporting, it added, “is expected to attract an investigation from the Justice Department, which has aggressively pursued leakers.” The profile quoted the neoconservative Gabriel Schoenfeld of the Hudson Institute,

who has long advocated the prosecution of journalists for publishing secret information, calling me “a highly professional apologist for any kind of anti-Americanism no matter how extreme.”

The most revealing evidence of the *Times*’s intentions came from the journalist Andrew Sullivan, who was quoted in the same profile saying, “Once you get into a debate with [Greenwald], it can be hard to get the last word,” and “I think he has little grip on what it actually means to govern a country or run a war.” Disturbed by the use of his comments out of context, Andrew later sent me his full exchange with the *Times* reporter Leslie Kaufman, which included praise for my work that the paper had notably chosen to omit. What was more telling, however, were the original questions Kaufman had sent him:

- “He obviously had strong opinions, but how is he as a journalist? Reliable? Honest? Quotes you accurately? Accurately describes your positions? Or is more advocate than journalist?”
- “He says you are a friend, is this so? I get the sense that he is something of a loner and has the kind of uncompromising opinions that makes it hard to keep friends, but could be wrong.”

The second question—that I’m “something of a loner” who has trouble keeping friends—was, in some sense, even more significant than the first. Discrediting the messenger as a misfit to discredit the message is an old ploy when it comes to whistle-blowing, and it often works.

The effort to discredit me personally was fully brought home when I received an email from a reporter for the *New York Daily News*. He said he was investigating various aspects of my past, including debts, tax liability, and



partnership in an adult video distribution company by a private corporation in which I had owned shares eight years earlier. Because the *Daily News* is a tabloid often trafficking in personal sleaze, I decided not to respond: there was no reason to bring more attention to the issues it had raised.

But that same day, I received an email from a *Times* reporter, Michael Schmidt, also interested in writing about my past tax debt. How the two newspapers had simultaneously learned of such obscure details was a mystery, but the *Times* had evidently decided that my prior debt was newsworthy—even as it refused to provide any rationale for why that was the case.

These issues were plainly trivial and intended to smear. The *Times* ended up not running the story, unlike the *Daily News*, which even included details of a conflict I had in my apartment building ten years earlier over a claim that my dog exceeded the weight limit allowed by the condominium bylaws.

While the smear campaign was predictable, the effort to deny my status as a journalist was not, and it had potentially drastic ramifications. Again, this campaign was kicked off by the *New York Times*, also in its June 6 profile. In the headline the paper went out of its way to assign me some non-journalistic title: “Blogger, with Focus on Surveillance, Is at Center of a Debate.” As bad as the headline was, the online original was even worse: “Anti-Surveillance Activist Is at Center of a New Leak.”

The paper’s public editor, Margaret Sullivan, criticized the headline, saying she found it “dismissive.” She added: “There’s nothing wrong with being a blogger, of course—I am one myself. But when the media establishment uses the term, it somehow seems to say, ‘You’re not quite one of us.’”

The article went on repeatedly to cast me as something

other than a “journalist” or “reporter.” I was, it declared, a “lawyer and longtime blogger” (I have not practiced law for six years, and had worked for years as a columnist at major news venues, in addition to having published four books). To the extent I ever acted “as a journalist,” it said, my experience was “unusual,” not because of my “clear opinions” but because I had “rarely reported to an editor.”

The media in full then got into a debate about whether I was in fact a “journalist” as opposed to something else. The most commonly offered alternative was “activist.” Nobody bothered to define any of these words, relying instead on ill-defined clichés, as the media tends to do, particularly when the goal is demonization. Thereafter, the empty, vapid label was routinely applied.

The designation had real significance on several levels. For one, removing the label of “journalist” diminishes the legitimacy of the reporting. Moreover, turning me into an “activist” could have legal—that is, criminal—consequences. There are both formal and unwritten legal protections offered to journalists that are unavailable to anyone else. While it is considered generally legitimate for a journalist to publish government secrets, for example, that’s not the case for someone acting in any other capacity.

Intentionally or not, those pushing the idea that I was not a journalist—despite the fact that I was writing for one of the oldest and largest newspapers in the Western world—were making it easier for the government to criminalize my reporting. After the *New York Times* proclaimed me an “activist,” Sullivan, the public editor, acknowledged that “these matters have taken on more significance in the current climate, and could be crucial for Mr. Greenwald.”

The allusion to “the current climate” was shorthand for two major controversies that had engulfed Washington



involving the administration's treatment of journalists. The first was the DOJ's secret acquisition of emails and telephone records of Associated Press reporters and editors to find out their source for a story.

The second, more extreme incident involved the DOJ's effort to learn the identity of another source who had leaked secret information. To do so, the department filed an affidavit in federal court seeking a warrant to read the emails of Fox News Washington bureau chief James Rosen.

In the application for the warrant, government lawyers branded Rosen a "co-conspirator" in the source's felonies by virtue of the fact that he had obtained classified material. The affidavit was shocking because, as the *New York Times* put it, "no American journalist has ever been prosecuted for gathering and publishing classified information, so the language raised the prospect that the Obama administration was taking its leak crackdown to a new level."

The behavior cited by the DOJ to justify Rosen's designation as "co-conspirator"—working with his source to obtain documents, establishing a "covert communication plan" to speak without detection, and "employing flattery and playing to [his source's] vanity and ego" to persuade him to leak—were all things investigative journalists routinely do.

As veteran Washington reporter Olivier Knox put it, the DOJ had "accused Rosen of breaking anti-espionage law with behavior that—as described in the agent's own affidavit—falls well inside the bounds of traditional news reporting." To view Rosen's conduct as a felony was to criminalize journalism itself.

This move was perhaps less surprising than it might have been, given the larger context of the Obama administration's attacks on whistleblowers and sources. In 2011, the *New York Times* revealed that the DOJ, attempting to find the source

for a book written by James Risen, had "obtained extensive records about his phone calls, finances and travel history," including "his 'credit card and bank records and certain records of his airline travel' and three credit reports listing his financial accounts."

The DOJ was also trying to force Risen to reveal his source's identity, with the likely prospect of prison if he refused to do so. Journalists around the country were dismayed by Risen's treatment: if one of the most accomplished and institutionally protected investigative reporters could be subject to such an aggressive attack, then so could any journalist.

Many in the press responded with alarm. One typical article, from *USA Today*, noted that "President Obama finds himself battling charges that his administration has effectively launched a war on journalists," and quoted former *Los Angeles Times* national security reporter Josh Meyer saying: "There's a red line that no other administration has crossed before that the Obama administration has blown right past." Jane Mayer, the widely admired investigative reporter for the *New Yorker*, warned in the *New Republic* that the Obama DOJ's targeting of whistle-blowers was operating as an attack on journalism itself: "It's a huge impediment to reporting, and so chilling isn't quite strong enough, it's more like freezing the whole process into a standstill."

The Committee to Protect Journalists—an international organization that monitors attacks on press freedoms by the state—was moved by the situation to issue its first-ever report about the United States. Written by Leonard Downie Jr., past executive editor of the *Washington Post*, the report, issued in October 2013, concluded:

The administration's war on leaks and other efforts to control



information are the most aggressive ... since the Nixon administration.... The 30 experienced Washington journalists at a variety of news organizations ... interviewed for this report could not remember any precedent.

The dynamic extended beyond national security to encompass, as one bureau chief said, an effort “to thwart accountability reporting about government *agencies*.”

US journalists, for years overwhelmingly enamored of Barack Obama, were now commonly speaking of him in these terms: as some sort of grave menace to press freedoms, the most repressive leader in this regard since Richard Nixon. That was quite a remarkable turn for a politician who was ushered into power vowing “the most transparent administration in US history.”

To tamp down the growing scandal, Obama ordered Attorney General Eric Holder to meet with representatives of the media and review the rules governing the DOJ’s treatment of journalists. Obama claimed to be “troubled by the possibility that leak investigations may chill the investigative journalism that holds government accountable”—as though he hadn’t presided over five years of precisely those sorts of assaults on the news-gathering process.

Holder vowed in a Senate hearing on June 6, 2013 (the day after the *Guardian*’s first NSA story) that the DOJ would never prosecute “any reporter for doing his or her job.” The DOJ’s goal, he added, is merely “to identify and prosecute government officials who jeopardize national security by violating their oaths, not to target members of the press or discourage them from carrying out their vital work.”

On some level, this was a welcome development: the administration had evidently felt sufficient backlash to create at least the appearance of addressing press freedom. But there

was a huge, gaping hole in Holder’s vow: the DOJ had determined, in the case of Fox News’s Rosen, that working with one’s source to “steal” classified information was beyond the scope of the “reporter’s job.” Thus Holder’s guarantee depended on the DOJ’s view of what journalism is and what exceeds the boundaries of legitimate reporting.

Against that background, the effort by some media figures to cast me out of “journalism”—to insist that what I was doing was “activism,” not reporting, and therefore criminal—was potentially dangerous.

The first explicit call to prosecute me came from New York Republican congressman Peter King, who had served as chairman of the House Subcommittee on Terrorism and had convened McCarthyite hearings on the terror threat posed “from within” by the American Muslim community (ironically, King was a longtime supporter of the IRA). King confirmed to CNN’s Anderson Cooper that reporters working on the NSA stories should be prosecuted “if they willingly knew that this was classified information ... especially on something of this magnitude.” He added, “There is an obligation both moral but also legal, I believe, against a reporter disclosing something that would so severely compromise national security.”

King later clarified on Fox News that he was speaking specifically of me:

I’m talking about Greenwald ... not only did he disclose this information, he has said that he has names of CIA agents and assets around the world, and they’re threatening to disclose that. The last time that was done in this country, we saw a CIA station chief murdered in Greece.... I think [prosecution of journalists] should be very targeted, very selective and certainly a very rare exception. But, in this case, when you have someone who discloses secrets like this and threatens to release more, yes, there has to be—



legal action taken against him.

That I had threatened to release the names of CIA agents and assets was an outright lie, fabricated by King. Nonetheless, his remarks opened the floodgates and commentators piled on. The *Washington Post*'s Marc Thiessen, a former Bush speechwriter who wrote a book justifying the US torture program, defended King under the headline, "Yes, Publishing NSA Secrets Is a Crime." Accusing me of "violating 18 USC 793, which makes it a criminal act to publish classified information revealing government cryptography or communications intelligence," he added, "Greenwald clearly violated this law (as did the *Post*, for that matter, when it published classified details of the NSA's PRISM program)."

Alan Dershowitz went on CNN and pronounced: "Greenwald—in my view—clearly has committed a felony." A known defender of civil liberties and press freedoms, Dershowitz nonetheless said that my reporting "doesn't border on criminality—it's right in the heartland of criminality."

The growing chorus was joined by General Michael Hayden, who led both the NSA and then the CIA under George Bush, and implemented the agency's illegal warrantless eavesdropping program. "Edward Snowden," he wrote on [CNN.com](http://CNN.com), "will likely prove to be the most costly leaker of American secrets in the history of the Republic," and then added that "Glenn Greenwald" is "far more deserving of the Justice Department's characterization of a co-conspirator than Fox's James Rosen ever was."

At first largely confined to right-wing figures who could be expected to view journalism as a crime, the chorus of voices raising the question of prosecution grew during a now-infamous appearance on *Meet the Press*.

The White House itself has praised *Meet the Press* as a comfortable venue for DC political figures and other elites to deliver their message without much challenge. The weekly NBC program was hailed by Catherine Martin, former vice president Dick Cheney's communications director, as "our best format" because Cheney was able to "control the message." Putting the vice president on *Meet the Press* was, she said, a "tactic we often used." Indeed, a video of the show's host, David Gregory, onstage at the White House Correspondents' Dinner, dancing awkwardly but enthusiastically behind a rapping Karl Rove, went viral because it so vividly symbolized what the show is: a place where political power goes to be amplified and flattered, where only the most staid conventional wisdom is heard, where only the narrowest range of views is permitted.

I was invited to appear on the program at the last minute and only out of necessity. Hours earlier, the news broke that Snowden had left Hong Kong and was on a plane to Moscow, a dramatic turn of events that would inevitably dominate the news cycle. *Meet the Press* had no choice but to lead with the story, and, as one of the very few people in contact with Snowden, I was asked to be on the show as the lead guest.

I had harshly criticized Gregory over the years and anticipated an adversarial interview. But I did not expect this question from him: "To the extent that you have aided and abetted Snowden, even in his current movements, why shouldn't you, Mr. Greenwald, be charged with a crime?" There were so many things wrong with the question that it took a minute to process that he had actually asked it.

The most glaring problem was the number of baseless assumptions embedded in the question. The statement "To the extent" that I had "aided and abetted Snowden, even in his current movements" is no different than saying "To the extent



that Mr. Gregory has murdered his neighbors...” This was nothing but a striking example of the “When did you stop beating your wife?” formulation.

But beyond the rhetorical fallacy, a TV journalist had just given credence to the notion that other journalists could and should be prosecuted for doing journalism, an extraordinary assertion. Gregory’s question implied that every investigative reporter in the United States who works with sources and receives classified information is a criminal. It was precisely this theory and climate that had made investigative reporting so precarious.

Predictably, Gregory repeatedly depicted me as something other than a “journalist.” He prefaced one question by proclaiming: “You are a polemicist here, you have a point of view, you are a columnist.” And he announced: “The question of who’s a journalist may be up to a debate with regard to what you’re doing.”

But Gregory wasn’t the only one making these arguments. Not one of the *Meet the Press* panel, convened to discuss my exchange with Gregory, objected to the notion that a journalist could be prosecuted for working with a source. NBC’s Chuck Todd bolstered that theory by ominously raising “questions” about what he called my “role” in “the plot”:

Glenn Greenwald ... how much was he involved in the plot?... did he have a role beyond simply being a receiver of this information? And is he going to have to answer those questions? You know, there is—there is—there is a point of law.

One CNN show, *Reliable Sources*, debated the question while a graphic remained on the screen that read, “Should Glenn Greenwald be prosecuted?”

The *Washington Post*’s Walter Pincus—who spied on US students abroad on behalf of the CIA in the 1960s—wrote a

column strongly suggesting that Laura, Snowden, and I were all operating as part of a plot secretly masterminded by WikiLeaks founder Julian Assange. The column was filled with so many factual errors (ones I documented in an open letter to Pincus) that the *Post* was forced to append an unusually large, three-paragraph, two-hundred-word correction acknowledging multiple mistakes.

On his own CNBC show, *New York Times* financial columnist Andrew Ross Sorkin said:

I feel like, A, we’ve screwed this up, even letting [Snowden] get to Russia. B, clearly the Chinese hate us to even let him out of the country.... I would arrest him, and now I would almost arrest Glenn Greenwald, who’s the journalist who seems to want to help him get to Ecuador.

That a reporter for the *Times*, which had fought all the way to the US Supreme Court in order to publish the Pentagon Papers, would advocate my arrest was a potent sign of the devotion of many establishment journalists to the US government: after all, criminalizing investigative journalism would have a grave impact on that paper and its employees. Sorkin did later apologize to me, but his remarks demonstrated the speed and ease with which such assertions gain traction.

Fortunately, this view was far from unanimous among the American press corps. Indeed, the specter of criminalization prompted many journalists to rally in support of my work, and on various mainstream television programs the hosts were more interested in the substance of the revelations than in demonizing those involved. Much condemnation of Gregory’s question was voiced during the week following his interview. From the *Huffington Post*: “We still can’t quite believe what David Gregory asked Glenn Greenwald just



now.” Toby Harnden, the Washington bureau chief of the UK’s *Sunday Times*, tweeted: “I was jailed by Mugabe’s Zimbabwe for ‘practicing journalism.’ Is David Gregory saying Obama’s America should do the same?” Numerous reporters and columnists at the *New York Times*, the *Post*, and other places defended me both publicly and privately. But no amount of support could counter the fact that the reporters themselves had sanctioned the prospect of legal jeopardy.

Lawyers and other advisers agreed that there was a real risk of arrest should I return to the United States. I tried to find one person whose judgment I trusted to tell me that the risk was nonexistent, that it was inconceivable that the DOJ would prosecute me. No one said that. The general view was that the DOJ would not move against me explicitly for my reporting, wanting to avoid the appearance of going after journalists. The concern was rather that the government would concoct a theory that the supposed crimes I had committed were outside of the realm of journalism. Unlike the *Washington Post*’s Barton Gellman, I had traveled to Hong Kong to meet Snowden before publishing the stories; I had spoken to him regularly once he arrived in Russia and had published stories about the NSA on a freelance basis with newspapers around the world. The DOJ could try to claim that I had “aided and abetted” Snowden in his leaks or had helped a “fugitive” flee justice, or that my work with foreign newspapers constituted some type of espionage.

Moreover, my commentary about the NSA and the US government had deliberately been aggressive and defiant. The government was no doubt desperate to punish someone for what had been called the most damaging leak in the country’s history, if not to alleviate institutional rage, then at least as a deterrent to others. Since the head most wanted on a pike was safely residing under the shield of political asylum in

Moscow, Laura and I were a desirable second choice.

For months, several lawyers with high-level contacts in the Justice Department attempted to obtain informal assurances that I would not be prosecuted. In October, five months after the first story ran, Congressman Alan Grayson wrote to Attorney General Holder, noting that prominent political figures had called for my arrest and that I had had to decline an invitation to testify before Congress about the NSA due to concerns about possible prosecution. He concluded the letter saying:

I regard this as regrettable because (1) the commission of journalism is not a crime; (2) on the contrary, it is protected explicitly under the First Amendment; (3) Mr. Greenwald’s reports regarding these subjects have, in fact, informed me, other members of Congress, and the general public of serious, pervasive violations of law and constitutional rights committed by agents of the government.

The letter asked whether the Department of Justice intended to bring charges against me and whether, should I seek to enter the United States, “the Department of Justice, the Department of Homeland Security, or any other office of the federal government intends to detain, question, arrest or prosecute” me. But as Grayson’s hometown paper, the *Orlando Sentinel*, reported in December, Grayson never received a response to his letter.

At the end of 2013 and into the beginning of 2014, the threat of prosecution only increased as government officials kept up a clearly coordinated attack designed to criminalize my work. In late October, NSA chief Keith Alexander, in an obvious reference to my freelance reporting around the world, complained “that newspaper reporters have all these documents, the 50,000—whatever they have and are selling,”



and he chillingly demanded that “we”—the government—“ought to come up with a way of stopping it.” House Intelligence Committee chairman Mike Rogers, at a hearing in January, repeatedly told FBI director James Comey that some of the journalists were “selling stolen property,” making them “fences” or “thieves,” and he then specified that he was talking about me. When I began reporting on Canadian spying with the Canadian Broadcasting Corporation, the parliamentary spokesman for Stephen Harper’s right-wing government denounced me as a “porno-spy” and accused the CBC of buying stolen documents from me. In the United States, Director of National Intelligence James Clapper started using the criminal term “accomplices” to refer to journalists covering the NSA.

I believed that the probability of arrest upon my return to the United States was less than 50 percent, if only for reasons of image and worldwide controversy. The potential stain on Obama’s legacy, as the first president to prosecute a journalist for doing journalism, was, I assumed, sufficient constraint. But if the recent past proved anything, it was that the US government was willing to do all sorts of reprehensible things under the guise of national security, without regard to how the rest of the world perceived them. The consequences of guessing wrong—ending up in handcuffs and charged under espionage laws, to be adjudicated by a federal judiciary that had proved itself shamelessly deferential to Washington in such matters—were too significant to blithely dismiss. I was determined to return to the United States, but only once I had a clearer understanding of the risk. Meanwhile, my family, friends, and all sorts of important opportunities to talk in the United States about the work I was doing were out of reach.

That lawyers and a congressman considered the risk real was itself extraordinary, a powerful measure of the erosion of

press freedom. And that journalists had joined the call to treat my reporting as a felony was a remarkable triumph of propaganda for the powers of government, which could rely on trained professionals to do their work for them and equate adversarial investigative journalism with a crime.

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The attacks on Snowden were of course far more virulent. They were also bizarrely identical in theme. Leading commentators who knew nothing at all about Snowden instantly adopted the same script of clichés to demean him. Within hours of learning his name, they marched in lockstep to malign his character and motives. He was driven, they intoned, not by any actual conviction but by “fame-seeking narcissism.”

*CBS News* host Bob Schieffer denounced Snowden as a “narcissistic young man” who thinks “he is smarter than the rest of us.” The *New Yorker*’s Jeffrey Toobin diagnosed him as “a grandiose narcissist who deserves to be in prison.” The *Washington Post*’s Richard Cohen pronounced that Snowden “is not paranoid; he is merely narcissistic,” referring to the report that Snowden covered himself with a blanket to prevent his passwords being captured by overhead cameras. Cohen added, bizarrely, that Snowden “will go down as a cross-dressing Little Red Riding Hood” and that his supposed desire for fame will be thwarted.”

These characterizations were patently ridiculous. Snowden was determined to disappear from sight, as he said, to do no interviews. He understood that the media love to personalize every story, and he wanted to keep the focus on NSA surveillance, not on him. True to his word, Snowden refused all media invitations. On a daily basis, for many months, I received calls and emails from almost every US television



program, TV news personality, and famous journalist, pleading for a chance to talk with Snowden. *Today* show host Matt Lauer called several times to make his pitch; *60 Minutes* was so relentless in their requests that I stopped taking their calls; Brian Williams dispatched several different representatives to make his case. Snowden could have spent all day and night on the most influential television shows, with the world watching him, had he wanted to do that.

But he was unmovable. I conveyed the requests and he declined them, to avoid taking attention away from the revelations. Strange behavior for a fame-seeking narcissist.

Other denunciations of Snowden's personality followed. *New York Times* columnist David Brooks mocked him on the grounds that "he could not successfully work his way through community college." Snowden is, Brooks decreed, "the ultimate unmediated man," symbolic of "the rising tide of distrust, the corrosive spread of cynicism, the fraying of the social fabric and the rise of people who are so individualistic in their outlook that they have no real understanding of how to knit others together and look after the common good."

To *Politico*'s Roger Simon, Snowden was "a loser" because he "dropped out of high school." Democratic congresswoman Debbie Wasserman Schultz, who also serves as chair of the Democratic National Committee, condemned Snowden, who had just ruined his life to make the NSA disclosures, as "a coward."

Inevitably, Snowden's patriotism was called into question. Because he had gone to Hong Kong, assertions were made that he was likely working as a spy for the Chinese government. It's "not hard to image that Snowden has been a Chinese double agent and will soon defect," announced veteran GOP campaign consultant Matt Mackowiak.

But when Snowden left Hong Kong to travel to Latin

America via Russia, the accusation seamlessly switched from Chinese to Russian spy. People like Congressman Mike Rogers made this charge with no evidence at all, and despite the obvious fact that Snowden was only in Russia because the United States had revoked his passport and then bullied countries such as Cuba into rescinding their promise of safe passage. Moreover, what kind of Russian spy would go to Hong Kong, or work with journalists and identify himself publicly, rather than passing on his stash to his bosses in Moscow? The claim never made any sense and was based on not a particle of fact, but that was no deterrent to it spreading.

Among the most reckless and baseless innuendos spread against Snowden came from the *New York Times*, which claimed that he had been allowed to leave Hong Kong by the Chinese government, not Hong Kong authorities, and then added a rank and damaging speculation: "Two Western intelligence experts, who worked for major government spy agencies, said they believed that the Chinese government had managed to drain the contents of the four laptops that Mr. Snowden said he brought to Hong Kong."

The *New York Times* had no evidence at all that the Chinese government had been able to obtain Snowden's NSA data. The paper simply led readers to conclude that it had, based on two anonymous "experts" who "believed" it may have happened.

At the time this story ran, Snowden was stuck at the Moscow airport and unable to go online. As soon as he resurfaced, he vehemently denied, via an article I published in the *Guardian*, that he had passed any data to China or Russia. "I never gave any information to either government, and they never took anything from my laptops," he said.

The day after Snowden's denial ran, Margaret Sullivan criticized the *Times* for its article. She interviewed Joseph



Kahn, the paper's foreign editor, who said that "it's important to see this passage in the story for what it is: an exploration of what might have happened, based on experts who did not claim to have direct knowledge." Sullivan commented that "two sentences in the middle of a *Times* article on such a sensitive subject—though they may be off the central point—have the power to sway the discussion or damage a reputation." She concluded by agreeing with a reader who had complained about the story, saying: "I read the *Times* for the truth. I can read publication of speculation almost anywhere."

Via Janine Gibson, *Times* executive editor Jill Abramson—at a meeting to convince the *Guardian* to collaborate on certain NSA stories—sent a message: "Please tell Glenn Greenwald personally that I agree with him completely about the fact that we should never have run that claim about China 'draining' Snowden's laptops. It was irresponsible."

Gibson seemed to expect that I would be pleased, though I was anything but: How could an executive editor of a newspaper conclude that an obviously damaging article was irresponsible and should not have been published, and then not retract it or at least run an editor's note?

Aside from the lack of evidence, the claim that Snowden's laptops had been "drained" made no sense on its own terms. People haven't used laptops to transport large amounts of data in years. Even before laptops became common, quantities of documents would have been stored on discs; now on thumb drives. It is true that Snowden had four laptops with him in Hong Kong, each one serving a different security purpose, but these had no relation to the quantity of documents he carried. They were on thumb drives, which were encrypted through sophisticated cryptographic methods. Having worked as an NSA hacker, Snowden knew that they could not be cracked by the NSA, let alone by Chinese or

Russian intelligence agencies.

Touting the number of Snowden's laptops was a deeply misleading way to play on people's ignorance and fears—*he took so many documents, he needed four laptops to store them all!* And had the Chinese somehow drained their contents, they would have obtained nothing of value.

Equally nonsensical was the notion that Snowden would try to save himself by giving away surveillance secrets. He had dismantled his life and risked a future in prison to tell the world about a clandestine surveillance system he believed must be stopped. That he would reverse himself by helping China or Russia to improve their surveillance capabilities, all to avoid prison, was just inane.

The claim might have been nonsense, but the damage was as substantial as it was predictable. Any TV discussion of the NSA invariably involved someone asserting, with no contradiction, that China was now in possession, via Snowden, of the United States' most sensitive secrets. Under the headline "Why China Let Snowden Go," the *New Yorker* told its readers, "His usefulness was almost exhausted. Intelligence experts cited by the *Times* believed that the Chinese government 'had managed to drain the contents of the four laptops that Mr. Snowden said he brought to Hong Kong.'"

Demonizing the personality of anyone who challenges political power has been a long-standing tactic used by Washington, including by the media. One of the first and perhaps most glaring examples of that tactic was the Nixon administration's treatment of Pentagon Papers whistleblower Daniel Ellsberg, which included breaking into the office of Ellsberg's psychoanalyst to steal Ellsberg's files and pry into his sexual history. As nonsensical as the tactic might seem—why would exposure of embarrassing personal



information counter evidence of government deceit?—Ellsberg understood it clearly: people do not want to be associated with someone who has been discredited or publicly humiliated.

The same tactic was used to damage Julian Assange's reputation well before he was accused of sex crimes by two women in Sweden. Notably, the attacks on Assange were carried out by the same newspapers that had worked with him and had benefited from Chelsea Manning's disclosures, which Assange and WikiLeaks had enabled.

When the *New York Times* published what it called "The Iraq War Logs," thousands of classified documents detailing atrocities and other abuses during the war by the US military and its Iraqi allies, the paper featured a front-page article—as prominently as the disclosures themselves—by pro-war reporter John Burns that had no purpose other than to depict Assange as bizarre and paranoid, with little grip on reality.

The article described how Assange "checks into hotels under false names, dyes his hair, sleeps on sofas and floors, and uses cash instead of credit cards, often borrowed from friends." It noted what it called his "erratic and imperious behavior" and "delusional grandeur," and said his detractors "accuse him of pursuing a vendetta against the United States." And it added this psychological diagnosis from a disgruntled WikiLeaks volunteer: "He is not in his right mind."

Casting Assange as crazy and delusional became a staple of US political discourse generally and the *New York Times's* tactics specifically. In one article, Bill Keller quoted a *Times* reporter who described Assange as "disheveled, like a bag lady walking in off the street, wearing a dingy, light-colored sport coat and cargo pants, dirty white shirt, beat-up sneakers and filthy white socks that collapsed around his ankles. He smelled as if he hadn't bathed in days."

The *Times* also led the way on the Manning coverage, insisting that what drove Manning to become a massive whistle-blower was not conviction or conscience but personality disorders and psychological instability. Numerous articles speculated, with no basis, that everything from gender struggles to anti-gay bullying in the army to conflicts with Manning's father were the prime motives in the decision to disclose such important documents.

Attributing dissent to personality disorders is hardly an American invention. Soviet dissidents were routinely institutionalized in psychological hospitals, and Chinese dissidents are still often forcibly treated for mental illness. There are obvious reasons for launching personal attacks on critics of the status quo. As noted, one is to render the critic less effective: few people want to align themselves with someone crazy or weird. Another is deterrence: when dissidents are cast out of society and demeaned as emotionally imbalanced, others are given a strong incentive not to become one.

But the key motive is logical necessity. For guardians of the status quo, there is nothing genuinely or fundamentally wrong with the prevailing order and its dominant institutions, which are viewed as just. Therefore, anyone claiming otherwise—especially someone sufficiently motivated by that belief to take radical action—must, by definition, be emotionally unstable and psychologically disabled.

Put another way, there are, broadly speaking, two choices: obedience to institutional authority or radical dissent from it. The first is a sane and valid choice only if the second is crazy and illegitimate. For defenders of the status quo, mere *correlation* between mental illness and radical opposition to prevailing orthodoxy is insufficient. Radical dissent is evidence, even proof, of a severe personality disorder.



At the heart of this formulation is an essential deceit: that dissent from institutional authority involves a moral or ideological choice, while obedience does not. With that false premise in place, society pays great attention to the motives of dissenters, but none to those who submit to our institutions, either by ensuring that their actions remain concealed or by using any other means. Obedience to authority is implicitly deemed the natural state.

In fact, both observing and breaking the rules involve moral choices, and both courses of action reveal something important about the individual involved. Contrary to the accepted premise—that radical dissent demonstrates a personality disorder—the opposite could be true: in the face of severe injustice, a refusal to dissent is the sign of a character flaw or moral failure.

Philosophy professor Peter Ludlow, writing in the *New York Times* about what he calls “the leaking, whistle-blowing and hacktivism that has vexed the United States military and the private and government intelligence communities”—activities associated with a group he calls “Generation W,” with Snowden and Manning as leading examples—makes exactly this point:

The media’s desire to psychoanalyze members of generation W is natural enough. They want to know why these people are acting in a way that they, members of the corporate media, would not. But sauce for the goose is sauce for the gander; if there are psychological motivations for whistleblowing, leaking and hacktivism, there are likewise psychological motivations for closing ranks with the power structure within a system—in this case a system in which corporate media plays an important role.

Similarly it is possible that the system itself is sick, even though the actors within the organization are behaving in accord with organizational etiquette and respecting the internal bonds of trust.

That discussion is one the institutional authorities are most eager to avoid. This reflexive demonization of whistle-blowers is one way that the establishment media in the United States protects the interests of those who wield power. So profound is this subservience that many of the rules of journalism are crafted, or at least applied, so as to promote the government’s message.

Take, for instance, the notion that leaking classified information is some sort of malicious or criminal act. In fact, the Washington journalists who applied that view to Snowden or to me do not deplore all disclosures of secret information, only those disclosures that displease or undermine the government.

The reality is that Washington is always drowning in leaks. The most celebrated and revered DC reporters, such as Bob Woodward, have secured their position by routinely receiving classified information from high-level sources and then publishing it. Obama officials have repeatedly gone to the *New York Times* to dish out classified information about topics like drone killings and Osama bin Laden’s assassination. Former secretary of defense Leon Panetta and CIA officials fed secret information to the director of *Zero Dark Thirty*, hoping the film would trumpet Obama’s greatest political triumph. (At the same time Justice Department lawyers told federal courts that, to protect national security, they could not release information about the bin Laden raid.)

No establishment journalist would propose prosecution for any of the officials responsible for those leaks or for the reporters who received and then wrote about them. They would laugh at the suggestion that Bob Woodward, who has been spilling top secrets for years, and his high-level government sources are criminals.

That is because those leaks are sanctioned by Washington



and serve the interests of the US government, and are thus considered appropriate and acceptable. The only leaks that the Washington media condemns are those that contain information officials would prefer to hide.

Consider what happened just moments before David Gregory suggested on *Meet the Press* that I be arrested for my reporting on the NSA. At the start of the interview, I referred to a top secret judicial ruling issued in 2011 by the FISA court that deemed substantial parts of the NSA's domestic surveillance program unconstitutional and in violation of statutes regulating spying. I only knew about the ruling because I had read about it in the NSA documents Snowden had given me. On *Meet the Press*, I had called for its release to the public.

However, Gregory sought to argue that the FISA opinion had decided differently:

With regard to that specific FISA opinion, isn't it the case, based on people that I've talked to, that the FISA opinion based on the government's request is that they said, "well, you can get this but you can't get that. That would actually go beyond the scope of what you're allowed to do"—which means that the request was changed or denied, which is the whole point the government makes, which is that there is actual judicial review here and not abuse.

The point here is not the specifics of the FISA court opinion (although when it was released, eight weeks later, it became clear that the ruling did indeed conclude that the NSA had acted illegally). More important is that Gregory claimed that he knew about the ruling because his sources had told him about it, and he then broadcast the information to the world.

Thus moments before Gregory raised the specter of arrest for my reporting, he himself leaked what he thought was top secret information from government sources. But nobody

would ever suggest that Gregory's work should be criminalized. Applying the same rationale to the host of *Meet the Press* and his source would be considered ludicrous.

Indeed, Gregory would likely be incapable of understanding that his disclosure and mine were even comparable, since his came at the behest of a government seeking to defend and justify its actions, while mine was done adversarially, against the wishes of officialdom.

This, of course, is precisely the opposite of what press freedoms were supposed to achieve. The idea of a "fourth estate" is that those who exercise the greatest power need to be challenged by adversarial pushback and an insistence on transparency; the job of the press is to disprove the falsehoods that power invariably disseminates to protect itself. Without that type of journalism, abuse is inevitable. Nobody needed the US Constitution to guarantee press freedom so that journalists could befriend, amplify, and glorify political leaders; the guarantee was necessary so that journalists could do the opposite.

The double standard applied to publishing classified information is even more pronounced when it comes to the unwritten requirement of "journalistic objectivity." It was the supposed violation of this rule that made me an "activist" rather than a "journalist." As we are told endlessly, journalists do not express opinions; they simply report the facts.

This is an obvious pretense, a conceit of the profession. The perceptions and pronouncements of human beings are inherently subjective. Every news article is the product of all sorts of highly subjective cultural, nationalistic, and political assumptions. And all journalism serves one faction's interest or another's.

The relevant distinction is not between journalists who have opinions and those who have none, a category that does



not exist. It is between journalists who candidly reveal their opinions and those who conceal them, pretending they have none.

The very idea that reporters should be free of opinions is far from some time-honored requirement of the profession; in fact, it is a relatively new concoction that has the effect, if not the intent, to neuter journalism.

This recent American view reflects, as Jack Shafer, Reuters's media columnist, observed, a "sad devotion to the corporatist ideal of what journalism" should be, as well as "a painful lack of historical understanding." From the United States' founding, the best and most consequential journalism frequently involved crusading reporters, advocacy, and devotion to battling injustice. The opinion-less, color-less, soul-less template of corporate journalism has drained the practice of its most worthy attributes, rendering establishment media inconsequential: a threat to nobody powerful, exactly as intended.

But aside from the inherent fallacy of objective reporting, the rule is almost never consistently applied by those who claim to believe it. Establishment journalists constantly express their opinions on a whole range of controversial issues without being denied their professional status. But if the opinions they offer are sanctioned by Washington officialdom, they are thus perceived as legitimate.

Throughout the controversy over the NSA, *Face the Nation* host Bob Schieffer denounced Snowden and defended NSA surveillance, as did Jeffrey Toobin, legal correspondent for the *New Yorker* and CNN. John Burns, the *New York Times*'s correspondent who covered the Iraq War, admitted after the fact that he supported the invasion, even describing the US troops as "my liberators" and "ministering angels." CNN's Christiane Amanpour spent the summer of 2013 advocating

for the use of American military force in Syria. Yet these positions were not condemned as "activism" because, for all the reverence of objectivity, there is in fact no prohibition on journalists having opinions.

Just like the supposed rule against leaking, the "rule" of objectivity is no rule at all but rather a means of promoting the interests of the dominant political class. Hence, "NSA surveillance is legal and necessary" or "the Iraq War is right" or "the United States should invade that country" are acceptable opinions for journalists to express, and they do so all the time.

"Objectivity" means nothing more than reflecting the biases and serving the interests of entrenched Washington. Opinions are problematic only when they deviate from the acceptable range of Washington orthodoxy.

The hostility toward Snowden was not hard to explain. The hostility toward the reporter breaking the story—myself—is perhaps more complex. Part competitiveness and part payback for the years of professional criticism I had directed at US media stars, there was, I believe, also anger and even shame over the truth that adversarial journalism had exposed: reporting that angers the government reveals the real role of so many mainstream journalists, which is to amplify power.

But far and away, the most significant reason for the hostility was that establishment media figures have accepted the rule of dutiful spokespeople for political officials, especially where national security is concerned. It follows, then, that like the officials themselves, they are contemptuous of those who challenge or undermine Washington's centers of power.

The iconic reporter of the past was the definitive outsider. Many who entered the profession were inclined to oppose



rather than serve power, not just by ideology but by personality and disposition. Choosing a career in journalism virtually ensured outsider status: reporters made little money, had little institutional prestige, and were typically obscure.

That has now changed. With the acquisition of media companies by the world's largest corporations, most media stars are highly paid employees of conglomerates, no different than other such employees. Instead of selling banking services or financial instruments, they peddle media products to the public on behalf of that corporation. Their career path is determined by the same metrics that amount to success in such an environment: the extent to which they please their corporate bosses and advance the company's interests.

Those who thrive within the structure of large corporations tend to be adept at pleasing rather than subverting institutional power. It follows that those who succeed in corporate journalism are suited to accommodate power. They identify with institutional authority and are skilled at serving, not combating it.

The evidence is abundant. We know about the *New York Times*'s willingness to suppress, at the White House's behest, James Risen's discovery of the NSA's illegal wiretapping program in 2004; the paper's public editor at the time described the paper's excuses for suppression as "woefully inadequate." In a similar incident at the *Los Angeles Times*, editor Dean Baquet killed a story in 2006 by his reporters about a secret collaboration between AT&T and the NSA, based on information given by whistle-blower Mark Klein. He had come forward with reams of documents to reveal AT&T's construction of a secret room in its San Francisco office, where the NSA was able to install splitters to divert telephone

and Internet traffic from the telecom's customers into agency repositories.

As Klein put it, the documents showed that the NSA was "trolling through the personal lives of millions of innocent Americans." But Baquet blocked publication of the story, Klein recounted to *ABC News* in 2007, "at the request of then-Director of National Intelligence John Negroponte and then-director of the NSA Gen. Michael Hayden." Shortly thereafter, Baquet became Washington chief for the *New York Times* and was then promoted to the position of that paper's managing editor.

That the *Times* would advance so willingly a servant of government interests should come as no surprise. Its public editor, Margaret Sullivan, noted that the *Times* might want to take a look in the mirror if its editors wanted to understand why sources revealing major national security stories, like Chelsea Manning and Edward Snowden, did not feel safe or motivated to bring them their information. It is true that the *New York Times* published large troves of documents in partnership with WikiLeaks, but soon after, former executive editor Bill Keller took pains to distance the paper from its partner: he publicly contrasted the Obama administration's anger toward WikiLeaks with its appreciation of the *Times* and its "responsible" reporting.

Keller proudly trumpeted his paper's relationship with Washington on other occasions, too. During a 2010 appearance on the BBC discussing telegrams obtained by WikiLeaks, Keller explained that the *Times* takes direction from the US government about what it should and shouldn't publish. The BBC host asked incredulously, "Are you saying that you sort of go to the government in advance and say: 'What about this, that and the other, is it all right to do this and all right to do that,' and you get clearance, then?" The



other guest, former British diplomat Carne Ross, said that Keller's comments made him think one shouldn't go to the *New York Times* for these telegrams. It's extraordinary that the *New York Times* is clearing what it says about this with the U.S. Government."

But there's nothing extraordinary about this kind of media collaboration with Washington. It is routine, for example, for reporters to adopt the official US position in disputes with foreign adversaries and to make editorial decisions based on what best promotes "US interests" as defined by the government. Bush DOJ lawyer Jack Goldsmith hailed what he called "an underappreciated phenomenon: the patriotism of the American press," meaning that the domestic media tend to show loyalty to their government's agenda. He quoted Bush CIA and NSA director Michael Hayden, who noted that American journalists display "a willingness to work with us," but with the foreign press, he added, "it's very, very difficult."

This identification of the establishment media with the government is cemented by various factors, one of them being socioeconomic. Many of the influential journalists in the United States are now multimillionaires. They live in the same neighborhoods as the political figures and financial elites over which they ostensibly serve as watchdogs. They attend the same functions, they have the same circles of friends and associates, their children go to the same elite private schools.

This is one reason why journalists and government officials can switch jobs so seamlessly. The revolving door moves the media figures into high-level Washington jobs, just as government officials often leave office to the reward of a lucrative media contract. *Time* magazine's Jay Carney and Richard Stengel are now in government while Obama aides David Axelrod and Robert Gibbs are commentators on

MSNBC. These are lateral transfers far more than career changes: the switch is so streamlined precisely because the personnel still serve the same interests.

US establishment journalism is anything but an outsider force. It is wholly integrated into the nation's dominant political power. Culturally, emotionally, and socioeconomically, they are one and the same. Rich, famous, insider journalists do not want to subvert the status quo that so lavishly rewards them. Like all courtiers, they are eager to defend the system that vests them with their privileges and contemptuous of anyone who challenges that system.

It is but a short step to full identification with the needs of political officials. Hence, transparency is bad; adversarial journalism is malignant, possibly even criminal. Political leaders must be permitted to exercise power in the dark.

In September 2013, these points were powerfully made by Seymour Hersh, the Pulitzer Prize-winning reporter who uncovered both the My Lai massacre and the Abu Ghraib scandal. In an interview with the *Guardian*, Hersh railed against what he called "the timidity of journalists in America, their failure to challenge the White House and be an unpopular messenger of truth." He said the *New York Times* spends so much time "carrying water for Obama." The administration lies systematically, he argued, "yet none of the leviathans of American media, the TV networks or big print titles" pose a challenge.

Hersh's proposal "on how to fix journalism" was to "close down the news bureaus of NBC and ABC, sack 90 percent of editors in publishing and get back to the fundamental job of journalists," which is to be an outsider. "Start promoting editors that you can't control," Hersh advocated. "The troublemakers don't get promoted," he said. Instead, "chickenshit editors" and journalists are ruining the



profession because the overarching mentality is not to dare to be an outsider.

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Once reporters are branded as activists, once their work is tainted by the accusation of criminal activity and they are cast out of the circle of protections for journalists, they are vulnerable to criminal treatment. This was made clear to me very quickly after the NSA story broke.

Within minutes of my return home to Rio after my stay in Hong Kong, David told me that his laptop had vanished. Suspecting that its disappearance was connected to a conversation we had while I was away, he reminded me that I had called him on Skype to talk about a large encrypted file of documents I intended to send electronically. Once it arrived, I'd said, he should put the file somewhere safe. Snowden had considered it vital that someone I trusted without question should have a complete set of the documents, in case my own archive was lost, damaged, or stolen.

"I may not be available for much longer," he said. "And you never know how your working relationship with Laura will proceed. Someone should have a set so that you'll always have access, no matter what happens."

The obvious choice was David. But I never did send the file. It was one of the things I lacked the time to do while in Hong Kong.

"Less than forty-eight hours after you told me that," David said, "my laptop was stolen from the house."

I resisted the idea that the theft of the laptop was connected to our Skype conversation. I told David I was determined that we not become those paranoid people who attribute every unexplained event in their lives to the CIA. Maybe the laptop was lost or someone visiting the house had

taken it, or maybe it had been stolen in an unconnected robbery.

David shot down my theories one by one: he never took that laptop out of the house; he had turned the place upside down and it was nowhere to be found; nothing else had been taken or disturbed. I was being irrational, he felt, by refusing to entertain what seemed like the only explanation.

By this point, a number of reporters had noted that the NSA had virtually no idea what Snowden had taken or given me, not just the specific documents but also the quantity. It made sense that the US government (or perhaps even other governments) would be desperate to learn what I had. If taking David's computer would give up the information, why wouldn't they steal it?

By then, I also knew that a conversation with David via Skype was anything but secure, as vulnerable to NSA monitoring as any other form of communication. So the government had the ability to hear that I planned to send the documents to David, which gave them a strong motive to get hold of his laptop.

I learned from David Schultz, the *Guardian's* media lawyer, that there was reason to believe David's theory of the theft. Contacts in the US intelligence community had let him know that the CIA's presence was more robust in Rio than almost anywhere else in the world and that the Rio station chief was "notoriously aggressive." Based on that, Schultz told me, "You should pretty much assume that everything you say, everything you do, and everywhere you go are being closely monitored."

I accepted that my ability to communicate would now be severely restricted. I refrained from using the telephone for anything but the vaguest and most trivial conversations. I sent and received emails only through cumbersome



encryption systems. I confined my discussions with Laura, Snowden, and various sources to encrypted online chat programs. I was able to work on articles with *Guardian* editors and other journalists only by having them travel to Rio to meet face-to-face. I even exercised caution speaking to David in our home or car. The theft of the laptop had made clear the possibility that even those most intimate spaces might be under surveillance.

If I needed more evidence of the threatening climate in which I was now working, it came in the form of a report about a conversation overheard by Steve Clemons, a well-connected and regarded DC policy analyst and editor at large for the *Atlantic*.

On June 8, Clemons had been in Dulles airport in the United Airlines lounge and recounted that he overheard four US intelligence officials saying loudly that the leaker and reporter on the NSA stuff should be “disappeared.” He said that he recorded a bit of the conversation on his phone. Clemons thought the talk seemed like just “bravado” but decided to publish the conversation nonetheless.

I didn’t take the report too seriously, although Clemons is quite credible. But just the fact of such idle public chitchat among establishment types about “disappearing” Snowden—and the journalists with whom he was working—was alarming.

In the months that followed, the possible criminalization of the NSA reporting shifted from an abstract idea to reality. This drastic change was driven by the British government.

I first heard from Janine Gibson, via encrypted chat, about a remarkable event that had taken place at the *Guardian*’s London office in mid-July. She described what she called a “radical change” in the tenor of the conversations between the *Guardian* and the GCHQ that had occurred in the past few

weeks. What had originally been “very civilized conversations” about the paper’s reporting had degenerated into a series of increasingly bellicose demands and then outright threats from the British spying agency.

Then, more or less suddenly, Gibson told me, the GCHQ announced that it would no longer “permit” the paper to keep publishing stories based on top secret documents. They demanded that the *Guardian* in London hand over all copies of the files received from Snowden. If the *Guardian* refused, a court order would prohibit any further reporting.

That threat was not idle. The UK has no constitutional guarantee of press freedoms. British courts are so deferential to government demands of “prior restraint” that the media can be barred in advance from reporting anything claimed to threaten national security.

Indeed, in the 1970s, the reporter who first uncovered and then reported on the existence of the GCHQ, Duncan Campbell, was arrested and prosecuted. In the UK the courts could shut the *Guardian* down at any point and seize all its material and equipment. “No judge would say no if they were asked,” Janine said. “We know that and they know we know it.”

The documents the *Guardian* possessed were a fraction of the full archive Snowden had passed on in Hong Kong. He had felt strongly that reporting relating specifically to the GCHQ should be done by British journalists, and on one of the last days in Hong Kong, he gave a copy of those documents to Ewen MacAskill.

On our call, Janine told me that she and editor Alan Rusbridger, along with other staffers, had been on a retreat the previous weekend in a remote area outside of London. They suddenly heard that GCHQ officials were on their way to the *Guardian* newsroom in London where they intended to



seize the hard drives on which the documents were stored. “You’ve had your fun,” they told Rusbridger, as he later recounted, “now we want the stuff back.” The group had been in the country for only two and a half hours before they heard from the GCHQ. “We had to drive straight back to London to defend the building. It was very hairy,” Janine said.

The GCHQ demanded that the *Guardian* turn over all copies of the archive. Had the paper complied, the government would have learned what Snowden had passed on and his legal standing could have been further jeopardized. Instead, the *Guardian* agreed to destroy all the relevant hard drives with GCHQ officials overseeing the process to make sure that the destruction was done to their satisfaction. What occurred was, in Janine’s words, “a very elaborate dance of stalling, diplomacy, smuggling, and then cooperative ‘demonstrable destruction.’”

The term “demonstrable destruction” was newly invented by the GCHQ to describe what took place. The officials accompanied *Guardian* staff, including the editor in chief, to the basement of the newsroom and watched as they smashed the hard drives to pieces, even demanding that they break particular parts further “just to be sure there was nothing in the mangled bits of metal that could possibly be of any interest to passing Chinese agents,” Rusbridger recounted. “We can call off the black helicopters,” he recalled a security expert joking, as *Guardian* staff “swept up the remains of a MacBook Pro.”

The image of a government sending agents into a newspaper to force destruction of its computers is inherently shocking, the sort of thing Westerners are told to believe happens only in places like China, Iran, and Russia. But it is also stunning that a revered newspaper would voluntarily, meekly, submit to such orders.

If the government was threatening to shut down the paper, why not call its bluff and force the threat out into the daylight? As Snowden said when he heard the about the threat, “the only right answer is, go ahead, shut us down!” Voluntarily complying in secret is to enable the government to conceal its true character from the world: a state that thuggishly stops journalists from reporting on one of the most significant stories in the public interest.

Worse, the act of destroying the materials that a source had risked his liberty and even life to reveal was utterly antithetical to the purpose of journalism.

Aside from the need to expose such despotic behavior, it is unquestionably newsworthy when a government marches into a newsroom and forces a paper to destroy its information. But the *Guardian* apparently intended to remain silent, powerfully underscoring how precarious any freedom of the press is in the UK.

In any case, Gibson assured me that the *Guardian* still had a copy of the archive in its New York office. Then she told me some startling news: another set of those documents was now with the *New York Times*, given by Alan Rusbridger to executive editor Jill Abramson, to ensure that the paper would still have access to the files even if a British court tried to force the *Guardian* US to destroy its copy.

This, too, was not good news. Not only had the *Guardian* agreed, in secret, to destroy its own documents but, without consulting or even advising Snowden or me, it had given them to the very newspaper Snowden had excluded because he did not trust its close and subservient relationship to the US government.

From the *Guardian*’s perspective, it could not afford to be cavalier in the face of UK government threats, given the absence of constitutional protection and hundreds of



employees and a century-old paper to protect. And destroying the computers was better than handing GCHQ the archive. But I was nonetheless disturbed by their compliance with the government's demands and, more so, their evident decision not to report it.

Still, both before the destruction of its hard drives and after, the *Guardian* remained aggressive and intrepid in how it published Snowden's revelations—more, I believe, than any other paper comparable in size and stature would have been. Despite the authorities' intimidation tactics, which only intensified, the editors continued to publish one NSA and GCHQ story after the next, and they deserve much credit for doing so.

But Laura and Snowden were both quite angry—that the *Guardian* would submit to such government bullying and that they would then keep quiet about what had happened. Snowden was particularly furious that the GCHQ archive had ended up with the *New York Times*. He felt that this was a breach of his agreement with the *Guardian* and of his wish that only British journalists would work on the British documents, and especially that the *New York Times* would not be given documents. As it turned out, Laura's reaction eventually led to dramatic consequences.

\* \* \*

From the beginning of our reporting, Laura's relationship with the *Guardian* was uneasy and now the tension broke out into the open. While working together for a week in Rio, Laura and I discovered that part of one of the NSA archives Snowden had given me on the day he went into hiding in Hong Kong (but hadn't had the chance to give to Laura) was corrupted. Laura was unable to fix it in Rio but thought she might be able to do so when back in Berlin.

A week later, after she returned to Berlin, Laura let me know that the archive was ready to return to me. We arranged for a *Guardian* employee to fly to Berlin, pick up the archive, and then bring it to me in Rio. But clearly in a state of fear after the GCHQ drama, the *Guardian* employee then told Laura that instead of giving the archive to him personally, she should FedEx it to me.

This made Laura as agitated and furious as I had ever seen her. "Don't you see what they're doing?" she asked me. "They want to be able to say, 'We had nothing to do with transporting these documents, it was Glenn and Laura who passed them back and forth.'" She added that using FedEx to send top secret documents across the world—and to send them from her in Berlin to me in Rio, a neon sign to interested parties—was as severe a breach of operational security as she could imagine.

"I will never trust them again," she declared.

But I still needed that archive. It contained vital documents related to stories I was working on, as well as many others still to be published.

Janine insisted that the problem was a misunderstanding, that the staffer had misinterpreted comments by his supervisor, that some managers in London were now skittish about carrying documents between Laura and me. There was no problem, she said. Someone from the *Guardian* would fly to Berlin to pick up the archive that same day.

It was too late. "I will never, ever give these documents to the *Guardian*," Laura said. "I just don't trust them now."

The size and sensitivity of the archive made Laura unwilling to send it electronically. It had to be delivered personally, by someone she trusted. That someone was David, who, when he heard about the problem, immediately volunteered to go to Berlin. We both saw that this was the



perfect solution. David understood every part of the story, Laura knew and trusted him, and he had been planning to visit her anyway to talk about potential new projects. Janine happily signed on to the idea and agreed that the *Guardian* would cover the cost of David's trip.

The *Guardian*'s travel office booked David's flights on British Airways and then emailed him the itinerary. The notion that he would have any problem traveling never occurred to us. *Guardian* journalists who had written stories about the Snowden archives, as well as staffers who had couriered documents back and forth, had flown in and out of Heathrow Airport multiple times without incident. Laura herself had flown to London only a few weeks earlier. Why would anyone think that David—a far more peripheral figure—would be at risk?

David left for Berlin on Sunday, August 11, due to return a week later with the archive from Laura. But on the morning of his expected arrival, I was woken up early by a call. The voice on the line, speaking with a thick British accent, identified himself as a “security agent at Heathrow Airport” and asked whether I knew David Miranda. “We’re calling to inform you,” he went on, “that we’ve detained Mr. Miranda under the Terrorism Act of 2000, Schedule 7.”

The word “terrorism” did not sink in right away—I was more confused than anything else. The first question I asked was how long he had been detained at that point, and when I heard that it had been three hours already, I knew that this was no standard immigration screening. The man explained that the UK had the “legal right” to hold him for a total of nine hours, at which point a court could extend the time. Or they could arrest him. “We don’t yet know what we intend to do,” the security agent said.

Both the United States and the United Kingdom have

made clear that there are no limits—ethical, legal, or political—that they will observe when they claim to be acting in the name of “terrorism.” Now David was in custody, being held under a terrorism law. He hadn’t even tried to enter the UK: he was passing through the airport in transit. The UK authorities had reached out into what is technically not even British territory and nabbed him, and had invoked the most chilling and murky grounds to do so.

*Guardian* lawyers and Brazilian diplomats got to work, immediately attempting to secure David's release. I wasn't worried about how David would handle the detention. An unimaginably difficult life growing up orphaned in one of the poorest favelas in Rio de Janeiro had made him extremely strong, willful, and street smart. I knew he would understand exactly what was happening and why, and I had no doubt that he was giving his interrogators at least as hard a time as they were giving him. Still, the *Guardian* lawyers noted how rare it was for anyone to be held this long.

Researching the Terrorism Act, I learned that only three out of every thousand people are stopped and most interrogations, over 97 percent, last under an hour. Only 0.06 percent are held for more than six hours. There seemed to be a substantial chance that David would be arrested once the nine-hour mark arrived.

The stated purpose of the Terrorism Act, as the name suggests, is to question people about ties to terrorism. The detention power, the UK government claims, is used “to determine whether that person is or has been involved in the commission, preparation or instigation of acts of terrorism.” There was no remote justification for detaining David under such a law, unless my reporting was now being equated with terrorism, which appeared to be the case.

With each hour that went by, the situation seemed



increasingly grim. All I knew was that Brazilian diplomats, as well as the *Guardian's* lawyers, were trying to locate David at the airport and get access to him, all without success. But at two minutes shy of the nine-hour mark, an email message from Janine gave me the news I needed to hear, in one word: "RELEASED."

David's shocking detention was instantly condemned around the world as a thuggish attempt at intimidation. A report from Reuters confirmed that this was indeed the British government's intention: "One U.S. security official told Reuters that one of the main purposes of the ... detention and questioning of Miranda was to send a message to recipients of Snowden's materials, including the *Guardian*, that the British government was serious about trying to shut down the leaks."

But as I told the horde of journalists who gathered at the Rio airport, waiting for David's return, the UK's bullying tactics would not impede my reporting. If anything, I was even more emboldened. The UK authorities had shown themselves to be abusive in the extreme; the only proper response, in my view, was to exert more pressure and demand greater transparency and accountability. That is a primary function of journalism. When asked how I thought the episode would be perceived, I said I thought the UK government would come to regret what they had done because it would make them look repressive and abusive.

A crew from Reuters wildly distorted and mistranslated my comments—which were made in Portuguese—to mean that in response to what they had done to David, I would now publish documents about the UK I had previously decided to withhold. As a wire service item, this distortion was quickly transmitted worldwide.

For the next two days, the media angrily reported that I

had vowed to carry out "revenge journalism." It was an absurd misrepresentation: my point was that the UK's abusive behavior had only made me more determined to continue my work. But as I had learned many times over, claiming that your comments have been reported out of context does nothing to halt the media machine.

Misreported or not, the reaction to my comments was telling: the United Kingdom and the United States had for years behaved as bullies, responding to any challenge with threats and worse. The British authorities had only recently forced the *Guardian* to destroy its computers and had just detained my partner under a terrorism law. Whistle-blowers had been prosecuted and journalists threatened with prison. Yet even the perception of a forceful response to such aggression is met with great indignation from the state's loyalists and apologists: *My God! He talked of revenge!* Meek submission to intimidation by officialdom is viewed as an obligation; defiance is condemned as an act of insubordination.

Once David and I finally escaped the cameras, we were able to talk. He told me that he had been defiant throughout the entire nine hours, but he admitted that he was scared.

He had clearly been targeted: the passengers on his flight were instructed to show their passports to agents waiting outside the plane. When they saw his, he was detained under the terrorism law and "threatened from the first second until the last," David said, that he would go to prison if he did not "cooperate fully." They took all of his electronic equipment, including his cell phone containing personal photographs, his contacts, and his chats with friends, forcing him to give up the password to his cell phone upon threat of arrest. "I feel like they invaded my whole life, like I'm naked," he said.

David had kept thinking about what the United States and



the United Kingdom had done under the cover of fighting terrorism over the last decade. “They kidnap people, imprison them without charges or a lawyer, disappear them, put them in Guantanamo, they kill them,” David said. “There’s really nothing scarier than being told by those two governments that you’re a terrorist,” he told me—something that would not occur to most American or British citizens. “You realize they can do anything to you.”

The controversy over David’s detention went on for weeks. It led the news in Brazil for days, and the Brazilian population was almost uniformly outraged. British politicians called for reform of the Terrorism Act. Of course it was gratifying that people recognized the UK’s act for the abuse that it was. At the same time, though, the law had been a scandal for years—but mostly used against Muslims, so few people had cared. It shouldn’t have needed the detention of the spouse of a high-profile, white, Western journalist to bring attention to the abuse, but it did.

Unsurprisingly, it was revealed that the British government had spoken with Washington in advance of David’s detention. When asked in a press conference, a White House spokesman said, “There was a heads-up ... so this was something we had an indication was likely to occur.” The White House refused to condemn the detention and acknowledged that it had taken no steps to stop or even discourage it.

Most journalists understood how dangerous this step was. “Journalism is not terrorism,” declared an indignant Rachel Maddow on her MSNBC show, cutting to the heart of the matter. But not everyone felt the same way. Jeffrey Toobin praised the UK government on prime-time television, equating David’s conduct to that of a “drug mule.” Toobin added that David should be grateful he hadn’t been arrested

and prosecuted.

That specter seemed a little more plausible when the British government announced that it formally commenced a criminal investigation into the documents David had been carrying. (David himself had initiated a lawsuit against the UK authorities, alleging that his detention was unlawful because it had nothing to do with the sole purpose of the law under which he was held: to investigate a person’s ties to terrorism.) It is hardly surprising that authorities would be so emboldened when the most prominent of journalists likens crucial reporting in the public interest to the rank illegality of drug traffickers.

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Shortly before he died in 2005, the heralded Vietnam war correspondent David Halberstam gave a speech to students at the Columbia Journalism School. The proudest moment of his career, he told them, was when US generals in Vietnam threatened to demand that his editors at the *New York Times* remove him from covering the war. He had, Halberstam said, “enraged Washington and Saigon by filing pessimistic dispatches on the war.” The generals considered him “the enemy” since he had also interrupted their press conferences to accuse them of lying.

For Halberstam, infuriating the government was a source of pride, the true purpose and calling of journalism. He knew that being a journalist meant taking risks, confronting rather than submitting to abuses of power.

Today, for many in the profession, praise from the government for “responsible” reporting—for taking its direction about what should and should not be published—is a badge of honor. That this is the case is the true measure of how far adversarial journalism in the United States has fallen.



## EPILOGUE

In the very first online conversation I had with Edward Snowden, he told me he had only one fear about coming forward: that his revelations might be greeted with apathy and indifference, which would mean he had unraveled his life and risked imprisonment for nothing. To say that this fear has gone unrealized is to dramatically understate the case.

Indeed, the effects of this unfolding story have been far greater, more enduring, and more wide-ranging than we ever dreamed possible. It focused the world's attention on the dangers of ubiquitous state surveillance and pervasive government secrecy. It triggered the first global debate about the value of individual privacy in the digital age and prompted challenges to America's hegemonic control over the Internet. It changed the way people around the world viewed the reliability of any statements made by US officials and transformed relations between countries. It radically altered views about the proper role of journalism in relation to government power. And within the United States, it gave rise to an ideologically diverse, trans-partisan coalition pushing for meaningful reform of the surveillance state.

One episode in particular underscored the profound shifts brought about by Snowden's revelations. Just a few weeks after my first Snowden-based article for the *Guardian* exposed the NSA's bulk metadata collection, two members of Congress jointly introduced a bill to defund that NSA

program. Remarkably, the bill's two cosponsors were John Conyers, a Detroit liberal serving his twentieth term in the House, and Justin Amash, a conservative Tea Party member in only his second House term. It is hard to imagine two more different members of Congress, yet here they were, united in opposition to the NSA's domestic spying. And their proposal quickly gained dozens of cosponsors across the entire ideological spectrum, from the most liberal to the most conservative and everything in between—a truly rare event in Washington.

When the bill came up for a vote, the debate was televised on C-SPAN, and I watched it while chatting online with Snowden, who was also watching C-SPAN on his computer in Moscow. We were both amazed at what we saw. It was, I believe, the first time he truly appreciated the magnitude of what he had accomplished. One House member after another stood up to vehemently denounce the NSA program, scoffing at the idea that collecting data on the calls of every single American is necessary to stop terrorism. It was by far the most aggressive challenge to the national security state to emerge from Congress since the 9/11 attacks.

Until the Snowden revelations, it was simply inconceivable that any bill designed to gut a major national security program could receive more than a handful of votes. But the final vote tally on the Conyers-Amash bill shocked official Washington: it failed by just a tiny margin, 205–217. Support for it was wholly bipartisan, with 111 Democrats joining 94 Republicans to vote for the bill. This discarding of traditional party-line divisions was as exciting to Snowden and me as the substantial support for reining in the NSA. Official Washington depends upon blind tribalism engendered by rigid partisan warfare. If the red versus blue framework can be eroded, and then transcended, there is much more hope



for policy making based on the actual interests of the citizenry.

Over the following months, as more and more NSA stories were published around the world, many pundits predicted that the public would lose interest in the subject. But, in fact, interest in the surveillance discussion only intensified, not just domestically but internationally. The events of a single week in December 2013—more than six months after my first report appeared in the *Guardian*—illustrate just how much Snowden's disclosures continue to resonate and just how untenable the NSA's position has become.

The week began with the dramatic opinion issued by US federal judge Richard Leon that the NSA metadata collection was likely to be found in violation of the Fourth Amendment to the US Constitution, denouncing it as “almost Orwellian” in scope. As noted, the Bush-appointed jurist pointedly added that the government had not cited a single instance “in which analysis of the NSA's bulk metadata collection” had stopped a terrorist attack. Just two days later, President Obama's advisory panel, formed when the NSA scandal first broke, issued its 308-page report. That report, too, decisively rejected the NSA's claims about the vital importance of its spying. “Our review suggests that the information contributed to terrorist investigations by the use of [the Patriot Act's] section 215 telephony meta-data was not essential to preventing attacks,” the panel wrote, confirming that in not a single instance would the outcome have been different “without the section 215 telephony meta-data program.”

Meanwhile, outside the United States the NSA's week was going no better. The UN general assembly unanimously voted in favor of a resolution—introduced by Germany and Brazil—affirming that online privacy is a fundamental human right, which one expert characterized as “a strong message to the

United States that it's time to reverse course and end NSA dragnet surveillance.” And on the same day, Brazil announced that it would not award a long-expected \$4.5 billion contract for fighter jets to US-based Boeing but instead would purchase planes from the Swedish company Saab. Brazil's outrage over the NSA's spying on its leaders, its companies, and its citizenry was clearly a key factor in the surprise decision. “The NSA problem ruined it for the Americans,” a Brazilian government source told Reuters.

None of this is to say that the battle has been won. The security state is incredibly powerful, probably even more so than our highest elected officials, and it boasts a wide array of influential loyalists ready to defend it at all costs. So it is not surprising that it, too, has scored some victories. Two weeks after Judge Leon's ruling, another federal judge, exploiting the memory of 9/11, declared the NSA program constitutional in a different case. European allies have backed away from their initial displays of anger, falling meekly in line with the United States, as they so often do. Support from the American public has also been inconstant: polls show that a majority of Americans, though they oppose the NSA programs that Snowden exposed, nonetheless want to see him prosecuted for those exposures. And top US officials have even begun arguing that not only Snowden himself but also some of the journalists with whom he worked, including me, deserve prosecution and imprisonment.

Yet the supporters of the NSA have clearly been set back on their heels, and their arguments against reform have been increasingly flimsy. Defenders of suspicionless mass surveillance often insist, for example, that some spying is always necessary. But this is a straw man proposition; nobody disagrees with that. The alternative to mass surveillance is not the complete elimination of surveillance. It is, instead,



targeted surveillance, aimed only at those for whom there is substantial evidence to believe they are engaged in real wrongdoing. Such targeted surveillance is far more likely to stop terrorist plots than the current “collect it all” approach, which drowns intelligence agencies in so much data that analysts cannot sift it effectively. And unlike indiscriminate mass surveillance, it is consistent with American constitutional values and basic precepts of Western justice.

Indeed, in the aftermath of the surveillance abuse scandals uncovered by the Church Committee in the 1970s, it was precisely this principle—that the government must provide some evidence of probable wrongdoing or status as a foreign agent before it can listen in on a person’s conversations—which led to the establishment of the FISA court. Unfortunately, that court has been made into a mere rubber stamp, providing no meaningful judicial review to the government’s surveillance requests. But the essential idea is sound nonetheless, and shows a way forward. Converting the FISA court into a real judicial system, rather than the one-sided current setup in which only the government gets to state its case, would be a positive reform.

Such domestic legislative changes by themselves are unlikely to be sufficient for solving the surveillance problem because the national security state so often co-opts the entities meant to provide oversight. (As we have seen, for instance, the congressional intelligence committees have by now been thoroughly captured.) But these sorts of legislative changes can at least bolster the principle that indiscriminate mass surveillance has no place in a democracy ostensibly guided by constitutional guarantees of privacy.

Other steps, too, can be taken to reclaim online privacy and limit state surveillance. International efforts—currently being led by Germany and Brazil—to build new Internet

infrastructure so that most network traffic no longer has to transit the United States could go a long way toward loosening the American grip on the Internet. And individuals also have a role to play in reclaiming their own online privacy. Refusing to use the services of tech companies that collaborate with the NSA and its allies will put pressure on those companies to stop such collaboration and will spur their competitors to devote themselves to privacy protections. Already, a number of European tech companies are promoting their email and chat services as a superior alternative to offerings from Google and Facebook, trumpeting the fact that they do not—and will not—provide user data to the NSA.

Additionally, to prevent governments from intruding into personal communications and Internet use, all users should be adopting encryption and browsing-anonymity tools. This is particularly important for people working in sensitive areas, such as journalists, lawyers, and human rights activists. And the technology community should continue developing more effective and user-friendly anonymity and encryption programs.

On all of these fronts, there is a great deal of work still to be done. But less than a year after I first met Snowden in Hong Kong, there is no question that his disclosures have already brought about fundamental, irreversible changes in many countries and many realms. And beyond the specifics of NSA reform, Snowden’s acts have also profoundly advanced the cause of government transparency and reform in general. He has created a model to inspire others, and future activists will likely follow in his footsteps, perfecting the methods he embraced.

The Obama administration, which has brought more prosecutions against leakers than all prior presidencies



combined, has sought to create a climate of fear that would stifle any attempts at whistle-blowing. But Snowden has destroyed that template. He has managed to remain free, outside the grasp of the United States; what's more, he has refused to remain in hiding but proudly came forward and identified himself. As a result, the public image of him is not a convict in orange jumpsuit and shackles but an independent, articulate figure who can speak for himself, explaining what he did and why. It is no longer possible for the US government to distract from the message simply by demonizing the messenger. There is a powerful lesson here for future whistle-blowers: speaking the truth does not have to destroy your life.

And for the rest of us, Snowden's inspirational effect is no less profound. Quite simply, he has reminded everyone about the extraordinary ability of any human being to change the world. An ordinary person in all outward respects—raised by parents without particular wealth or power, lacking even a high school diploma, working as an obscure employee of a giant corporation—he has, through a single act of conscience, literally altered the course of history.

Even the most committed activists are often tempted to succumb to defeatism. The prevailing institutions seem too powerful to challenge; orthodoxies feel too entrenched to uproot; there are always many parties with a vested interest in maintaining the status quo. But it is human beings collectively, not a small number of elites working in secret, who can decide what kind of world we want to live in. Promoting the human capacity to reason and make decisions: that is the purpose of whistle-blowing, of activism, of political journalism. And that's what is happening now, thanks to the revelations brought about by Edward Snowden.